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March 3, 2023

BY ECF

Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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Re: United States v. Joseph Perlman, 19-cr-531 (ALC)

Dear Judge Carter:

I represent Joseph Perlman in the above-captioned case and write to request an extension of Mr. Perlman's date of surrender, currently set for March 25, 2023. The government opposes this request; we await a response from Mr. Perlman's probation officer.

Mr. Perlman appeared before Your Honor for sentencing on Friday, December 6, 2019. Subsequently, Mr. Perlman was designated to serve his sentence at FPC-Montgomery. At the June 23, 2020 conference, Your Honor extended his surrender date, and he is currently at liberty awaiting surrender to BOP Custody and Your Honor's ruling on his Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582 and Memorandum in Support of that Motion, ECF Nos. 27 & 28. Since then, Mr. Perlman has continued to seek treatment for his medical condition. Mr. Perlman's surrender date has been extended several times due to the risks posed to Mr. Perlman by the novel coronavirus 2019 ("COVID-19") and Mr. Perlman's serious medical condition. See ECF Nos. 21, 23, 45, 48, 62, 67, 73, and 78. Most recently, on September 27, 2022, Your Honor granted Mr. Perlman's request to adjourn his surrender date due to his serious [REDACTED] condition and to allow for continued, vigilant medical monitoring. ECF No. 71. Mr. Perlman's current surrender date is March 25, 2023.

* * *

On March 17, 2021, Mr. Perlman's [REDACTED], Dr. Mohammad Kooshkabadi, performed a [REDACTED] procedure on Mr. Perlman's heart to treat his persistent [REDACTED]. This procedure was discussed in detail in Dr. Kooshkabadi's affidavit dated August 24, 2020. See First Kooshkabadi Affidavit, ECF No. 41, Exhibit A at ¶¶ 7, 15; see also Second Affidavit of Dr.

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Mohammad Kooshkabadi, ECF No. 60, Exhibit 2. This was the second [REDACTED] procedure that Mr. Perlman received to treat his [REDACTED] condition and to prevent a recurrence of [REDACTED]. Second Kooshkabadi Affidavit at ¶¶ 7, 11.

As outlined in the Fifth Kooshkabadi Affidavit, Dr. Kooshkabadi continued to treat Mr. Perlman and monitor him for post-operative complications from the [REDACTED] procedure. See ECF No. 71, Exhibit 1. Dr Kooshkabadi explains in the attached affidavit ("Sixth Kooshkabadi Affidavit") that Mr. Perlman has continued to have regular appointments with the doctor who continued his [REDACTED] monitoring over the subsequent months. Mr. Perlman initially responded favorably while his [REDACTED] medication was scaled back; however, he suffered recurrent symptoms when he was taken off the medication. Mr. Perlman still experiences episodes of [REDACTED] [REDACTED]. Mr. Perlman continues to take strong [REDACTED] prescription while the doctor evaluates Perlman's [REDACTED] function as the dosage is decreased until he is no longer dependent on the prescription.

Dr. Kooshkabadi details in the attached affidavit ("Sixth Kooshkabadi Affidavit") that, from February 7, 2023 to February 21, 2023, Mr. Perlman wore a [REDACTED] monitor that revealed his condition remains unchanged and requires frequent medical monitoring. Dr. Kooshkabadi will continue to require regular visits and Mr. Perlman will wear a [REDACTED] monitor periodically to evaluate the efficacy of the [REDACTED] procedure and the condition of his [REDACTED], and to confirm that his [REDACTED] is under control. In light of Mr. Perlman's [REDACTED] condition and medical history, Dr. Kooshkabadi would be greatly concerned if he were unable to continue to monitor Mr. Perlman and provide the necessary care.

In addition to his heart condition, Mr. Perlman has been seeking treatment for his [REDACTED] since 2021. As outlined in the attached affidavit ("First Emerson Affidavit"), Dr. Emerson first prescribed both [REDACTED] and [REDACTED] medication to treat Mr. Perlman in 2022, but even with doubling his dosage, medication has not improved his condition. Instead, Dr. Emerson recommended Mr. Perlman proceed with surgery, and referred him to his colleague, Dr. Townsend, an expert in the [REDACTED] procedure. The [REDACTED] procedure is the least invasive option, yet still requires a three-month recovery period ("The First Emerson Affidavit").

We respectfully request that Your Honor adjourn Mr. Perlman's surrender date to October 25, 2023. This adjournment would allow him the time he needs to continue his necessary medical treatment with Dr. Kooshkabadi and both receive and recover from the [REDACTED] procedure -ensuring that serving his sentence does not jeopardize his health.

We also respectfully request an update on Mr. Perlman's pending Motion for Reduction of Sentence Pursuant to 18 U.S.C § 3582, which was fully submitted on June 17, 2020. See ECF Nos. 27, 28 & 34. We are happy to provide any additional information at the Court's direction.

Thank you for the Court's time and attention to this matter.

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Respectfully submitted,



Sean Hecker, Esq.

cc: (by email)

David Abramowicz

Assistant United States Attorneys, Southern District of New York

Jamie Bowers

United States Pretrial Services Officer, Northern District of Georgia

The application is **GRANTED**. The March 25, 2023

surrender date is adjourned to October 25, 2023.

So Ordered.



3/23/23